

REMARKS

Claims 1-6, 8-17 and 21 are now pending in the application. Claims 18-20 have been cancelled herein. Claim 21 has been added herein. At the outset, applicant's representatives would like to thank the examiner for the courtesies extended to them during a telephonic interview on October 17, 2005. While no agreement was reached, the examiner did indicate that the claim amendments and arguments presented herein would advance prosecution, subject to a further search and consideration. Therefore, favorable reconsideration of this application is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-6 and 8-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murayama et al. (U.S. Pat. No. 6,282,458) in view of White et al. (U.S. Pat. No. 5,653,919) and Monte, Jr. (U.S. Pat. No. 5,508,685). This rejection is respectfully traversed.

Claim 1 as now amended calls for a signal generator for generating a signal having a "humidity component in coordination with selected portions of an entertainment presentation". Claim 1 further recites that a processor is provided for "interpreting said signal and causing said substance dispenser to release a selected amount of said fragrant substance corresponding to said substance component of said signal and a *selected amount of said water mist corresponding to said humidity component of said signal*" (emphasis added). The claim goes on to state that "*said change in fragrance and said change in humidity are coordinated with selected portions of said entertainment presentation*" (emphasis added).

In contrast, the primary reference to Murayama et al. fails to disclose a water mist generator, let alone the other limitations of the claim as set forth above. Applicants submit that fragrance generators have been known for many years. However, the prior art such as Murayama et al. fail to disclose or suggest other types of substance dispensers which are keyed in with selected portions of entertainment presentations, such as movies or the like. The secondary references cited by the Examiner during prosecution disclose only that mist generators or humidifiers are known in the art. There is no disclosure or suggestion that the level of humidity in the room be coordinated with selected portions of an entertainment presentation.

Therefore, it is submitted that claim 1 as now presented defines patentable subject matter over the art.

The dependent claims 2-6 and 8-16 should be allowable for at least the reasons stated above with regard to claim 1. Additionally, all of the features of the dependent claims are not disclosed or suggested by the prior art. For example, claim 2 calls for the signal of claim 1 to be stored "along with corresponding information from said entertainment presentation." As mentioned above, claim 1 calls for the signal to contain a humidity component. As Murayama et al. and the secondary references cited by the Examiner fail to disclose or suggest coordinating a change in humidity with an entertainment presentation, the references likewise do not disclose or suggest storing a signal which includes a humidity component with corresponding information from an entertainment presentation. Therefore, for these reasons and the reasons stated above with reference to claim 1, it is submitted that claim 2 as now presented defines patentable subject matter over the art.

Claim 5 calls for the apparatus of claim 1 to further include "a connecting means for connecting said apparatus to a heating ventilation and air conditioning system." Furthermore, claim 6, which depends from claim 5, recites that the signal of claim 1 "further includes a temperature component" and that the "processor is connected to said heating, ventilating and air conditioning system." Claim 6 goes on to state that the "processor interprets said temperature component and directs said system to *cause a change in temperature in said environment coordinated with selected portions of said entertainment presentation*" (emphasis added).

Murayama et al. fails to disclose or suggest all of these features. As has been stated in the Office Action, Murayama et al. discloses that an olfactory stimulus system can be connected to an air conditioner and employ input control based on temperature. (Column 6, lines 1-20) However, there is no disclosure or suggestion of a processor of a substance distribution and microclimate generation apparatus connected to a heating, ventilating and air conditioning system to cause a change in temperature coordinated with an entertainment presentation. Accordingly, it is submitted that claim 6 as now presented defines patentable subject matter over the art.

Claim 11 recites that the fragrant substance generator of claim 1 further comprises a magazine with "a plurality of substance cartridges mounted in said magazine about a spindle rotatable by a drive means communicating with and controlled by said processor." The claim goes on to state that "a pressurized air source is selectably connectable to said substance cartridges to provide fluid communication for ejection of selected of said plurality of fragrant substances from said substance cartridges by pressurized air from said pressurized air source." Murayama et al. and

the secondary references cited by the Examiner fail to disclose a structure with these features. Accordingly, it is submitted that claim 11 as now presented defines patentable subject matter over the art.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Murayama et al. in view of Bartsch et al. (U.S. Pat. No. 6,581,915). As claim 17 depends from claim 1, it is submitted, for at least the reasons stated above with respect to claim 1, that claim 17 defines patentable subject matter over the art.

Claim 21 has been added as a new independent claim. Claim 21 calls for a substance distribution apparatus comprising a receiver, a plurality of substances, a substance dispenser, and a processor. The claim recites that the processor communicates with the receiver and the substance dispenser "for interpreting said signal and causing said substance dispenser to release a selected amount of said substances corresponding to said signal." The claim further recites that the plurality of substances includes "at least one substance selected from the group consisting of crowd control substances, antibacterial substances, antiviral substances, antitoxins and antivenoms." The claim goes on to state that the "selected amount of said substances manages the safety of a crowd of people."

In contrast, Murayama et al. and Bartsch et al. fail to disclose or suggest these features. Murayama et al. discloses dispensing scents, and there is no disclosure or suggestion of dispensing of crowd control substances, antibacterial substances, antiviral substances, antitoxins, or antivenoms to manage the safety of a crowd of people. Furthermore, the Bartsch et al. reference only discloses dispensing scents that can include "air fresheners, deodorants, aromacology, aromatherapy, insecticides, or any

other odor that acts to condition, modify, or otherwise charge the atmosphere or to modify the environment.” (Column 5, lines 56-60) Bartsch et al. does not disclose or suggest dispensing substances to manage the safety of a crowd of people. Accordingly, it is submitted that claim 21 defines patentable subject matter over the art.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: October 24, 2005

By: 

G. Gregory Schwley, Reg. No. 27,382

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

GGs/DWH/pvd